

**Date:** September 8, 2015

**To:** Thomas J. Bonfield, City Manager  
**Through:** Bo Ferguson, Deputy City Manager  
**From:** Mattie Sue Stevens, Management Analyst  
**Subject:** Proposed Changes to Special Events Process

### **Executive Summary**

City Code Sections 66-429 through 66-433 authorize the City Manager to regulate temporary street closures for private uses through a special event permit process. Over the last two years, the City Manager's Office has convened a cross-departmental working group to identify needed improvements to the current permit system. This review resulted in recommendations intended to make the permit application process clearer and easier for event planners to navigate, while gathering more comprehensive event information for review and coordination by City departments. Full implementation of the recommended changes would require revisions to portions of the authorizing ordinances.

### **Recommendation**

Staff recommends the City Council adopt the proposed "Ordinance To Revise the Temporary Street Closing Procedures, To Revise Prohibitions On Obstructing and Impeding Pedestrian and Vehicular Travel On Sidewalks, and To Set a Fixed Civil Penalty for Violation of Article II (Sales and Solicitations in the Street Right-Of-Way) of Article 54 of the City Code," which revises City Code Sections 54-141, 54-188 and 62-10; repeals Sections 66-7 and 66-429 through 66-433; and enacts new Sections 66-29 through 66-437.

### **Background**

For several decades, the City of Durham has regulated temporary street closures and other private uses of public space through a special event permit process. Special events covered by this process range in scope from small neighborhood block parties to large festivals in downtown Durham. Currently, the permit process is primarily administered by the Police Department. Police staff accept and process brief permit applications from event planners, circulating the information to other City departments for comment. If no concerns are identified, a Special Event Permit is issued by the Lieutenant of the Central District.

Parks & Recreation (DPR) manages a similar permitting process for events that take place in parks, recreation centers and DPR rental facilities. Planners of events in these areas must obtain Park Use Permits and satisfy DPR's requirements regarding safety, event setup, insurance and security. Particularly large or complex events in DPR facilities—for instance, those that require special services from other City departments—are also required to go through the special event permit managed by the Police Department.

In 2013, problems with a particular special event raised questions about the current process among both City staff and community members. In order to address these concerns, the City Manager's Office convened a cross-departmental working group chaired by DPR staff. This group reviewed current responsibilities for special events and identified needed

improvements to the permit system. The group also researched how other municipalities handle special events and sought to incorporate those best practices into Durham's process.

In addition, staff sought feedback from community stakeholders who regularly plan major events in Durham. Stakeholders were invited to participate in several meetings with City staff, review drafts of revised application materials, and offer comments and concerns by email. The stakeholder group included representatives of the following organizations and events:

- American Tobacco Campus
- Art of Cool Festival
- Bull City Race Fest
- Downtown Durham, Inc.
- DDI General Advisory Council, including representatives from North Carolina Central University, Durham Convention Center, YMCA, Museum of Durham History, and Carolina Theatre
- Duke University Police
- Durham Arts Council / CenterFest
- Durham Central Park
- Durham Convention & Visitors Bureau
- Durham Farmers' Market
- Full Frame Film Festival
- Great Human Race
- Greater Durham Chamber of Commerce
- Sport Often (road races)

### **Issues and Analysis**

The staff working group ultimately identified three primary deficiencies in the current special events permit process. First, the special event guidelines do not provide enough guidance and clarity for event planners to navigate the process easily. Second, the permit application does not gather enough information from event planners for the City to provide services and troubleshoot problems effectively, particularly for complex events. Third, this lack of information stymies coordination and communication among the City departments involved in the process. The working group also recognized that some successful current practices for managing special events are not codified in the City's ordinances or policies.

To address these issues, the working group developed several changes to the special events permit process (summarized in Attachment 1). Implementation of these changes would necessitate revisions to the City ordinances regulating special event permits (Attachment 2).

### **Proposed Ordinance Changes**

Currently, City Code Sections 66-429 through 66-433 give the City Manager authority to issue permits for temporary street closures and set out criteria for approving these permits. Sections 38-14 and 38-15 also require permits for outdoor musical performances and concerts. The terms "special event" and "special-event permit" are defined in Section 54-26.

The proposed ordinance revisions are intended to allow the City Manager more flexibility in creating a fair and efficient permit application process. The revisions remove the deadlines and other administrative details currently stated in the ordinance, delegating the establishment of these rules to the City Manager. Specific

penalties for violating the ordinance and an expanded listing of grounds for staff to deny or revoke a special event permit are also included.

At the same time, the proposed revisions are intended to more clearly protect residents' Constitutional rights. These changes include specific provision for activities protected by the First Amendment and a defined process for applicants to appeal denied or revoked permits.

The proposed revisions also update the ordinances' definitions for alignment with current usage. In particular, the changes codify the City's current practice of regulating street and sidewalk closures through the same special event permit process.

Finally, the City Attorney's Office recommends repealing Sections 66-7, as these provisions are already included in other ordinances and in state law. The City Attorney's Office also recommends revising Section 62-10 to make it clearer and more enforceable.

### **Permit Application Process Changes**

The permit application process must efficiently obtain all pertinent information from planners of large or complex special events without being unduly burdensome for smaller events. In order to strike this balance, staff plan to institute two parallel permit application processes.

- Planners of large events will complete the expanded Standard Special Event Permit Application, which asks about a wide array of regulated activities and City services. This application must be submitted at least 60 days before a proposed event to allow for more extensive staff review.
- Planners of small events can instead complete the Simplified Special Event Permit Application, a briefer application with a 15-day deadline.

These new applications are accompanied by detailed Special Event Guidelines that set clearer expectations for event planners about City, County and State requirements.

### **Special Event Review Team**

Certain large or complex events require more formal, in-depth staff review. The City Manager's Office plans to convene a cross-departmental Special Event Review Team (SERT) as a forum for staff to identify concerns about proposed event plans, coordinate provision of City services, and ask questions of event planners. The Special Event Guidelines describe which types of events would be subject to SERT approval.

### **Impact on Event Planners**

Staff anticipate these process changes will create both additional benefits and additional burdens for event planners. In general, the changes are designed to provide a clearer process that yields better-coordinated events. The new guidelines and applications are more explicit about the criteria for permit approval, making it easier for event planners to identify specific requirements. They also consolidate a wealth of helpful information—for instance, contact information for City services—into one place.

At the same time, event planners will need to plan for additional lead time as the Standard Special Event Permit Application deadline moves from 15 days to 60 days

prior to an event. This extended timeframe will allow for more comprehensive notification of neighboring residents and businesses and more thorough review by City departments. More rigorous review is intended to expose potential problems with events earlier in the process, which may also lead to more permits being initially denied or issued with conditions.

**Alternatives**

City Council could choose not to approve the proposed Ordinance and retain the current special events permit process.

**Financial Impact**

Staff worked to ensure that the revamped special event permit process could be implemented within current available resources. As Durham continues to draw more visitors and special events each year, however, staff anticipate that the permit process will be a growing area of responsibility and may eventually require additional expansion and resources.

**SDBE Summary**

EO/EA did not review this item.

**Attachments**

1. Summary of Proposed Special Event Permit Process Changes
2. Ordinance To Revise the Temporary Street Closing Procedures, To Revise Prohibitions On Obstructing and Impeding Pedestrian and Vehicular Travel On Sidewalks, and To Set a Fixed Civil Penalty for Violation of Article II (Sales and Solicitations in the Street Right-Of-Way) of Article 54 of the City Code
3. Standard Special Event Permit Application
4. Simplified Special Event Permit Application